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**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1178

**AN ORDINANCE AUTHORIZING AND APPROVING A
PROPOSAL FOR ECO-HYDROLOGY AND ENGINEERING
CONSULTING WORK REGARDING SILVER CREEK STREAM
BANK STABILIZATION, FOR THE VILLAGE OF MELROSE
PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 28TH DAY OF APRIL 2008

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
ARTURO J. MOTA
ANTHONY J. PRIGNANO
MARY RAMIREZ TACONI
JAIME ANGUIANO**

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**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 29TH day of APRIL 2008**

ORDINANCE NO. 1178

AN ORDINANCE AUTHORIZING AND APPROVING A PROPOSAL FOR ECO-HYDROLOGY AND ENGINEERING CONSULTING WORK REGARDING SILVER CREEK STREAM BANK STABILIZATION, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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WHEREAS, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi (the “Village Clerk”), having taken office on May 2, 2005, and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, and Mary Ramirez Taconi, having taken office on May 14, 2007, and the Honorable Jaime Anguiano, having taken office on March 10, 2008, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the Village has recently undertaken streambank stabilization and restoration measures along Silver Creek in the Village (Phase I); and

WHEREAS, streambank stabilization and restoration measures need to continue to be performed on an area of Silver Creek (Phase II) generally bounded by Andy Drive and Winston Drive and upstream of 5th Avenue in the Village (the “Project”); and

WHEREAS, the Project is to be funded in part by state grants provided through the

Illinois Environmental Protection Agency; and

WHEREAS, the President and Village Board deem it advisable and necessary for the Project to retain an eco-hydrology and engineering consulting firm Living Waters Consultants, Inc., (the “Consultant”) for design and engineering work by an agreement to be based upon the Consultant’s proposal, a copy of which is attached hereto as Exhibit “A” (the “Proposal”); and

WHEREAS, the Corporate Authorities find that it is advisable, necessary and in the best interests of the Village and its residents that the Village should draft, execute, enter into and approve an agreement based upon the Proposal; and

WHEREAS, the Village has previously appropriated or allocated from its budget sufficient funds to retain the Engineer as herein described, the funds are readily available, and the Village intends to use said funds to retain the Engineer as herein described; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Corporate Authorities do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to authorize the President or his designee to draft, execute, enter into and approve an agreement based upon the Proposal with Living Waters Consultants, Inc., for the Project, and to expend the necessary funds as set forth in the Proposal.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05-09. Reserved.

**ARTICLE II.
AUTHORIZATION**

Section 10.00. Authorization.

That the Village Board hereby approves the Proposal and authorizes and directs the President or his designee and the Village Attorney to draft, enter into, approve and execute an agreement with the Consultant based on the Proposal, with such insertions, omissions and changes as shall be approved by the President and the Village Attorney.

That the Village Board hereby authorizes and directs the Village to undertake all steps necessary to carry out the intention of this Ordinance, including the expenditure of all necessary funds for the Project.

That the Village Clerk is hereby authorized and directed to attest to and countersign the aforesaid agreement and any such other documentation as may be necessary to carry out and effectuate the purpose of this Ordinance, and is further authorized and directed to affix the Seal of the Village to such documentation as is necessary.

That the Village Board hereby authorizes the officers, employees and/or agents of the Village to take all action necessary or reasonably required to carry out, give effect to and

consummate the intent of this Ordinance and to take all action necessary in conformity therewith.

That the Village Board hereby ratifies any and all previous action taken to effectuate the intent of this Ordinance.

Section 11.00 – Section 15.00 Reserved.

**ARTICLE III.
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 17.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

Section 18.00 Repeal of Prior Ordinances.

All prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

Section 19.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 20.00 Effective Date.

This Ordinance shall be in full force and effect upon its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Mota,
Trustee Prignano, Trustee Anguiano

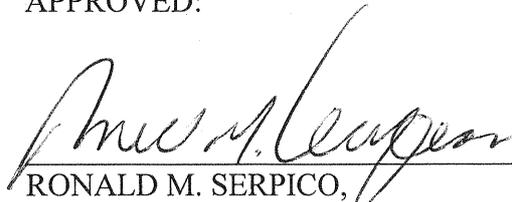
NAY VOTES:

ABSTAIN:

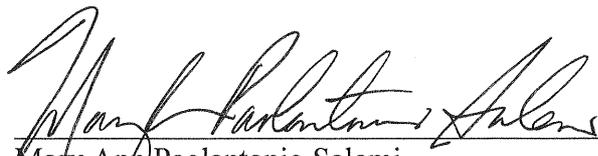
ABSENT: Trustee Taconi

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-EIGHTH DAY OF APRIL, 2008 A.D.

APPROVED:


RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: April 28, 2008
Published in pamphlet form: April 29, 2008